

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1391 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 24/08/2004 in WP No. 14883 OF 2004 on the file of the High
Court.)

Between:

- 1.Mrs.Medikonda Radha, w/o Rajender Rao,
Chelluru Village, Vizianagaram District.
- 2.Miss.Medikonda Deepthi, d/o Rajender Rao,
Chelluru Village, Vizianagaram District.
3. Miss.Medikonda Divya, d/o Rajender Rao,
r/o Chelluru Village, Vizianagaram District.
4. Master Medikonda Deepak, s/o Rajenderrao,
being minor rep., by mother and natural guardian 1st appellant, r/o
Chelluru Village, Vizianagaram District.

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APPELLANTS

AND

- 1.The District Collector, Vizianagaram District,
Vizianagaram.
- 2.The Revenue Divisional Officer, Vizianagaram District,
Vizianagaram.
- 3.The Superintendent of Police, Vizianagaram District,
Vizianagaram.

.....**RESPONDENTS**

Counsel for the Appellant: Mr.E.V.BHAGIRATHA RAO

Counsel for the Respondent Nos. 1 and 2 : GP FOR REVENUE
Counsel for Respondent No.4: GP for Home.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The appellants filed Writ Petition seeking directions against respondents to forthwith assess the damage caused by the lessors of petitioners on 18.7.2002 and 10.8.2002 in respect of their poultry farms situated in 59 cents in Sy.No. 84/4 and 5, and 65 cents in Sy.No. 84/8 and 11, situated at Chelluru village for the purpose of compensating the petitioners. In the Writ Petition, the petitioners alleged that they belong to Scheduled Caste and their poultry sheds, which are the only source of their income, are demolished in high-handed manner on 18.7.2002 and 10.8.2002 by the lessors. On complaint being lodged, Crime No. 94 was registered on 10.9.2002 against the lessors under Section 3(1)(d) of the Protection of Civil Rights Act and Sections 323, 427, 506(2) read with Section 34 I.P.C. Subsequently, further offences were added under various provisions of Indian Penal Code and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and it was registered as Crime No. 14 of 2003 in Rural Police Station, Vizianagaram. Charge-sheet was taken on file by the Additional Judicial First Class Magistrate, Vizianagaram. The offenders were committed to Sessions Court for trial and the trial was commenced and the District Magistrate has not followed the provisions of Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Thus, the petitioners filed the Writ Petition. Writ Petition was dismissed by the learned Single Judge

on the ground that it was for the first and the second respondents to consider the case of the petitioners and the petitioners had not disclosed how they were entitled for direction to assess the damages.

We have heard the learned counsel for parties.

Learned counsel for the respondents has drawn our attention to the endorsement of the Collector, Vizianagaram, dated: 4.2.2004 that the claim of the first petitioner-appellant and her father as regards their caste status was pending in Writ Petition No. 32238 of 1984 wherein they had claimed their caste status as Konda Kapu, in the light of the affidavit filed by the Government claiming that they belong to Thurpu Kapu community, being a Backward Class, and, her father claim to be belonging to Scheduled Caste community on the ground that the petitioner married to a Scheduled Caste family person.

The charge-sheet does show that Petitioner No.1 claim to belong to Konda Kapu caste of Scheduled Tribe community, and, her caste certificate is now under no dispute as the District Collector, Vizianagaram has cancelled her earlier Caste Certificate and that she had married a person belonging to the Scheduled Caste Community (Mala Caste). May be that caste status of Petitioner No.1 is in dispute. But, she claims to have married a Scheduled Caste person. Therefore, there cannot be any objection as regards other petitioners, since they are off-springs of petitioner from her husband belonging to Scheduled Caste. Therefore, it will be a question to be considered and examined whether the petitioners are really entitled to compensation, for which purpose, it will be, but, appropriate for the District Magistrate to have the matter enquired into and to take appropriate steps in assessing the loss and damage to the property and then draw up a list of the victims entitled for any relief as provided under sub-rule (1) of Rule 12 of the Scheduled Castes and the Scheduled Tribes

(Prevention of Atrocities) Rules, 1995 after affording opportunity to the petitioners. If the petitioners, or, any of them, are entitled to any relief, the same be provided to them along with compensation, if any, under Rule 12. The District Magistrate will undertake the said exercise in accordance with Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, and, take appropriate decision within a period of two months from the date of the receipt of a copy of this order, in accordance with law. The Writ Appeal stands disposed of accordingly. No costs.

DEVINDER GUPTA, C.J.

23.9.2004.

C.V.RAMULU, J.

VR.

To

- 1.The District Collector, Vizianagaram District,
Vizianagaram.
- 2.The Revenue Divisional Officer, Vizianagaram District,
Vizianagaram.
- 3.The Superintendent of Police, Vizianagaram District,
Vizianagaram.
4. Two CCs to the Government Pleader for Revenue, High Court
Buildings, Hyderabad (OUT).
5. Two CD copies.